

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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AVENTIS PHARMA S.A.,  
SANFOFI-AVENTIS U.S., LLC

*Plaintiffs,*

-v-

APOTEX, INC.,  
APOTEX CORP.,

*Defendants.*  
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) Civil Action No:  
) 08 - 496  
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**AFFIDAVIT OF SERVICE**

I, Mervyn Archdall, Process Server with Independent Process Servers, 47 Colborne Street, of the City of Toronto, in the Province of Ontario, M5E 1P8, in the Dominion of Canada

**MAKE OATH AND SAY:** I am over 18 years of age and I am not a party to this action.

1. **THAT** on August 12, 2008, at approximately 11:55 a.m., I served the Defendant, Apotex, Inc., with a true copy of the Summons in a Civil Case and Complaint for Patent Infringement, of the United States District Court, for the District of Delaware by delivering and leaving a true copy of each with Shashank Upadhye, at Apotex, Inc., 150 Signet Drive, Toronto, Ontario, M9L1T9.

2. **THAT** at the time of such service, I was able to identify the said person by asking for his name and he identified himself to me as being Shashank Upadhye a Vice-President, Global Intellectual Property at Apotex, Inc.

**SWORN** before me at  
the City of Toronto, in  
the Province of Ontario,  
on August 14, 2008



Anita Klerdorf, a Commissioner, etc.,  
Province of Ontario, for Independent Process  
Servers, and for Process Serving, Commercial  
Tenancies Act and Tenant Protection Act, 1977  
matters only. Expires July 5, 2009.

  
MERVYN ARCHDALL

A0 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

AVENTIS PHARMA S.A. and  
SANOFI-AVENTIS U.S., LLC,

SUMMONS IN A CIVIL CASE

Plaintiffs,

v.

CASE NUMBER: 08-496

APOTEX, INC. and APOTEX CORP.,

Defendants.

TO: Apotex Inc.  
150 Signet Drive  
Toronto  
Ontario, Canada M91 1T9

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Steven J. Balick  
Ashby & Geddes  
500 Delaware Avenue, 8<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**PETER T. DALLEO**

CLERK

DATE

8/11/08

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(1)	DATE	AUGUST 12th., 2008
NAME OF SERVER (PRINT) MELVYN ARCHDALL	TITLE	PROCESS SERVER
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>TORONTO, ONTARIO, M9A 1T9</u> <u>APOTEX INC., 150 SIGNET DRIVE,</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): _____		
STATEMENT OF SERVICE FEES		
TRAVEL	\$ 66.60	SERVICES \$ 60.00
		TOTAL \$126.60
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on: <u>AUGUST 13, 2008</u>	<u>Melvin Archdall</u> Date Signature of Server	
<u>47 COLBORNE ST., STE. 100, TORONTO, ON.</u> Address of Server M5E 1P8		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.